

Remarks

In the Office Action mailed November 1, 1990, the Examiner rejected claims 1 through 15, constituting all claims presented in the above referenced application. In response, the Applicant has herein amended claims 1 through 8 and 10 through 15, cancelled claim 9, and added new claim 16 so that claims now present in the application for prosecution are:

<u>Claims</u>	<u>Status</u>
1 (Amended)	Independent.
2 (Amended)	Depends from claim 1.
3 (Amended)	Depends from claim 2.
4 (Amended)	Depends from claim 3.
5 (Amended)	Depends from claim 2.
6 (Amended)	Depends from claim 1.
7 (Amended)	Depends from claim 1.
8 (Amended)	Depends from claim 7.
10 (Amended)	Depends from claim 16.
11 (Amended)	Depends from claim 10.
12 (Amended)	Depends from claim 11.
13 (Amended)	Depends from claim 16.
14 (Amended)	Depends from claim 13.
15 (Amended)	Depends from claim 16.
16 (New)	Independent.

In the November 1, 1990 Office Action, all claims were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. More specifically, claim 1, the only independent machine claim in the application was rejected as unclear with respect to the time that is added at line 21 in view of

the prior recitation that the latch means can store more than one time. In response, the Applicant has amended claim 1 to recite the storage of only one time in the latch means to eliminate any ambiguity as to which time is added to the contents of the accumulator as recited at line 21 of the claim. Consistently with this amendment of claim 1, claims 3 and 7 have been amended to recite the capability of the latch means to store more than one time and the manner in which a selected one of the stored times is added to the contents of the accumulator.

A second specific ground for rejection was that, with respect to lines 43 - 46, "insufficient structure and/or interconnections are set forth to allow the sector location pulse generation means to perform its desired function." In response, claim 1 has been amended to recite that the sector location pulse generation means is connected to the first comparator and responds to the previously recited electrical indications provided by such comparator to provide the sector location pulses. In view of these amendments, it is requested that the Examiner reconsider and withdraw the rejection of claim 1, and claims 2 - 8 depending therefrom, under 35 U.S.C. Section 112, second paragraph on the specific grounds noted above.

Claim 4, which depends from claim 1, was specifically rejected under 35 U.S.C. Section 112, second paragraph, on the grounds that "the controller pulses" recited at line 3 lacks antecedent basis. It was further noted that other claims would be subject to the same objection. In response, claims 4, 5, 6 and 8 have been amended to change the "controller" pulses to the "sector location" pulses that are recited in claim 1. Accordingly, in view of these remarks and the remarks made above with respect to claim 1, it is requested that the Examiner reconsider claims 1 through 8 and withdraw the rejection of such claims, as amended, under 35 U.S.C. Section 112, second paragraph.

Claims 9 through 15 were similarly rejected under 35 U.S.C. Section 112, second paragraph, the Examiner stating that the claim was not clear as to the times being accumulated, as recited at line 6, and, further, that the "accumulated time" recited at line 15 and "the accumulation of next sector times" recited at lines 20-21 lack a clear antecedent basis. In response, claim 9 has been cancelled and new claim 16 has been added to recite the subject matter previously found in claim 9. In new claim 16, it is specifically stated that an "accumulation of sector times" is maintained with the sector times being defined as the time that is required

for a sector to pass by the transducer head. Subsequent references to the accumulated time are then referred to using the terminology "accumulation of sector times" recited at line 10 of claim 16. Accordingly, the Applicant submits that new claim 16 eliminates any indefiniteness that might have existed in claim 9 so that claim 16 is in condition for allowance insofar as 35 U.S.C. Section 112 is concerned.

Claim 10 was rejected under 35 U.S.C. Section 112, second paragraph, in that the "index mark" recited at line 17 lacks antecedent basis. Claim 10 has been herein amended to substitute the word "location" for the word "mark" and to depend claim 10 from claim 16 so that antecedent basis for the term "index location" resulting from the amendment is found in claim 16, line 8. Claim 11, which depends from claim 10, and claim 13, which has been amended to depend from claim 16, have been similarly amended to recite the "index location" in place of "index mark" so that antecedent basis for the term "index location" now recited in such claims is found in claim 16. Additionally, claim 16 has been drafted to recite "sector location pulses" in place of "controller pulses" for consistency of claims 16 and 10 through 15 with claims 1 through 8. Such amendment has similarly been requested in claims 10, 12, 14 and 15.

In view of these amendments, it is requested that the Examiner review claims 10 through 15 and withdraw the rejection of such claims under 35 U.S.C. Section 112, second paragraph.

In the November 1, 1990 Office Action, claims 2, 7, 9, 10, 13 and 15 were provisionally rejected as claiming the same invention as that of claims 2, 3 and 5 - 8 of copending application Serial No. 07/445,753 and claims 1 and 6 were provisionally rejected under the doctrine of obviousness-type double patenting on the same copending application. Such copending application, Serial No. 07/445,753 has been expressly abandoned in a paper filed December 17, 1990 and the above amendment to the specification is requested to reflect the status of such application. Accordingly, it is requested that the rejection of claims 1, 2, 6, 7, 9, 10, 13 and 15 on the double patenting ground be reconsidered and withdrawn.

In addition to rejecting the Applicant's claims, the Examiner objected to the drawings on PTO form 948 enclosed with the Office Action. Specifically, the Examiner objected to blurred and poor numerals in Figures 3 and 14, margins in Figures 3, 12 and 13 and the Greek letter " ϕ " in Figures 5 and 7. With respect to the Greek letter, the Examiner required that it be changed to the numeral "0". The Greek letter refers to the

clock phases described at page 17 of the application so that, in the graphs shown in figures 5 and 7, it serves as a descriptive term that indicates quantities being plotted in the same manner that the terms "SERVO PLO", "SERVO INDEX" "MASTER RESET", "SECTOR AND DELAY TIMES", "NR SECTORS", and "PARTIAL RESET" serve as such descriptive terms. Thus, it is not a numeral. Accordingly, the Applicant requests that the requirement that it be changed to a "0" be withdrawn. With respect to the remaining objections, the Applicant will have new drawings prepared which meet the Examiner's requirements. The new drawing will be filed after receipt of a Notice of Allowance.

Additionally, in reviewing the drawings, the Applicant's attorney noted that the conducting path 302 in Figure 5 was inadvertently additionally numbered "222" as indicated by a circle in red ink on the enclosed copy of Figure 5. The Applicant requests that the deletion of this circled numeral and lead line be approved. When approved, the changes will be incorporated in the new drawings.

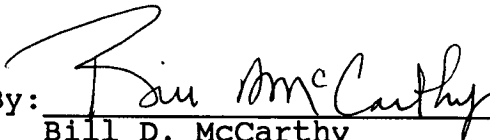
The Examiner cited U.S. 4,048,660 issued September 13, 1977 to Dennison et al. and U.S. 4,641,294 issued February 3, 1987 to Yoshimaru but did not apply these references to the Applicant's claims. The Applicant's

attorney has noted these references but finds nothing therein which would suggest the subject matter that has been recited in the Applicant's claims.

It is respectfully submitted that the application, as now amended, is in condition for allowance for the reasons stated above. Therefore, it is requested that the Examiner reconsider the application and allow all the claims therein. This amendment is intended to be a complete response to the Office Action mailed November 1, 1990.

Respectfully submitted,

STEVEN V. HOLSINGER, Applicant

By: 

Bill D. McCarthy

Registration No. 26,772

Louis W. Watson

Registration No. 28,484

101 Park Avenue - Suite 250

Oklahoma City, Oklahoma 73102

Telephone: (405) 232-5600 or

(405) 631-0000

Attorneys for Applicant